

10.04.045 PURCHASING AND PROCUREMENT OF GOODS AND SERVICES

I. DEFINITIONS

- A. Direct Buy:** A procurement that does not require a competitive process to select a vendor. A Direct Buy procurement cannot exceed \$10,000 (excluding sales tax), with minor exceptions for microbusinesses, minibusinesses, or small businesses as outlined in Department of Enterprise Services (DES) policy #DES-125-03. If available, Qualified Master Contracts, as defined in DES policy #DES-125-03, must be used for goods or services before considering a Direct Buy.
- B. Procurement:** The acquisition of goods and services necessary to conduct agency and state business. Procurement differs from purchasing in that it involves a deliberative process involving care and effort in soliciting, evaluating, and selecting vendors. Much of the process is dictated by rule or law and requires technical skill and specific knowledge to be done properly.
- C. Purchase:** An act of acquiring goods or services that leads to the obligation or expenditure of state funds. The purchasing action is generally one task in the procurement process. In simple procurements, it may be the only step in the process.
- D. Procurement Offices:** Offices with primary agency responsibility for procurement of goods and services for the agency. Budget and Fiscal Services (**Contracting Section**) and Property Management Division (**Supply Section**) are designated as agency Procurement Offices with responsibilities as outlined in Section II, **Policy**.

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- E. Services:** Services procurements include all actions where the vendor provides a product through employee/staff time or rental of property rather than delivery of a physical good. Examples of services include janitorial, landscaping, training presentations, equipment or software maintenance contracts, software development, facility or conference room rentals, firing range rentals, etc.
- F. Small Purchase:** For the WSP, an individual purchase action for commodities or consumable goods only whose total dollar value including all costs (shipping, etc.) except tax is \$10,000 or less and where a written contract or Field Order is not required. For purposes of this policy, Small Purchases exclude purchases of Services as described earlier in this section and fixed assets or items of Personal Property such as furniture and office equipment.

II. POLICY

A. Purpose

- 1. This policy establishes roles and responsibilities for purchasing and procurement processes within the WSP.

B. General

1. The state procurement reform act (RCW 39.26), effective January 1, 2013, consolidated all state procurement laws under the DES. This gave the DES oversight responsibility over all agencies for purchasing and procurement of goods and services by the state. In that role, DES produces all guidelines, policies, and rules governing state procurement. DES determines training requirements necessary for staff involved in procurement, conducts risk assessments of the procurement practices of all agencies, and delegates purchasing authority to each agency based on their compliance.
2. The WSP must comply with all DES policies and procedures and submit the required biennial risk assessments. Based on our compliance, the WSP receives specific delegated authority from DES to procure goods and services necessary to conduct WSP business.

C. Responsibilities

1. **Contracting Section** has primary responsibility and oversight for all agency contracts as described in the policy **CONTRACTUAL AGREEMENTS**. This responsibility includes all contracts involving the procurement of goods and services, excluding those handled through the **Supply Section**. The Contracting Section Commander is responsible for providing guidance through the publication of the *WSP Fiscal Procedures* located on the Budget and Fiscal Services iWSP site. The Contracting Section Commander may delegate and oversee some steps associated with a particular contracting or procurement process to the office requiring the contract.
2. **Supply Section** has primary responsibility for the procurement of all commodities, consumable goods, fixed assets, and items of personal property, along with any service contracts associated with them. The Supply Section Commander may delegate authority to divisions or districts on a case-by-case

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basis to procure commodities or consumable goods in excess of the agency Small Purchase limit. Such delegation of authority will be in writing. The Supply Section will publish agency procedures that provide amplifying instructions regarding the procurement of commodities, consumable goods, and other assets.

3. Division/district commanders have authority to conduct Direct Buys for routine commodities and supplies needed in their normal course of business, up to the agency Small Purchase limit of \$10,000. For purchases that do not meet the definition of a Small Purchase above, division/district commanders shall coordinate the procurement through the appropriate agency Procurement Office. Division/district commanders may delegate Small Purchase authority to their staff to conduct Direct Buys not to exceed the agency Small Purchase limit of \$10,000. This delegation should not be confused with Purchase Approval Authority defined in section I.B. of policy **OBLIGATION AND USE OF DEPARTMENT FUNDS**, which is budgetary authority to obligate department funds. In delegating Small Purchase authority, commanders will ensure the following:

- a. Such delegation will be in writing.
 - b. Employees with delegated purchasing authority will have completed the mandatory DES training required for Small Purchases (RCW 39.26.110).
 - c. Employees with delegated purchasing authority shall be familiar with (1) goods and services available on state Qualified Master Contracts; (2) *WSP Fiscal Procedures* (on BFS iWSP web site) concerning Approval of Meeting and Conference Related Costs and Lodging and Subsistence Direct Billing Approval; and (3) the agency policy and procedures on purchasing from minority, women, and veteran's owned businesses (**MINORITY AND WOMEN OWNED BUSINESS OPPORTUNITIES PLAN**).
4. Agency employees assigned responsibilities for contracting, purchasing, and procurement for the WSP will ensure they are knowledgeable of and compliant with this regulation. Specifically, employees assigned purchasing and procurement responsibilities will ensure the following:
- a. That they have completed the training required of them by RCW 39.26.110.
 - b. That they are familiar and comply with WSP policies governing contracts, purchasing and procurement, along with the procedures published by the ***Contracts Section*** and ***Supply Section***.
 - c. That they familiarize themselves with (1) goods and services available on state Qualified Master Contracts; (2) *WSP Fiscal Procedures* (on BFS iWSP web site) concerning Approval of Meeting and Conference Related Costs and Lodging and Subsistence Direct Billing Approval; (3) the agency policy and procedures on purchasing from minority, women, and veteran's owned businesses (**MINORITY AND WOMEN OWNED BUSINESS OPPORTUNITIES PLAN**).

Applies to: All WSP Employees

See Also: RCW 39.19 and 39.26; Department of Enterprise Services (DES) policy #DES- 125-03; WSP Policies **Obligation and Use of Department Funds, Contractual**

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Agreements, Minority and Women Owned Business Opportunities Plan, Credit Cards, and Computer Hardware/Software Acquisition and Use;
*Budget and Fiscal Services WSP Fiscal Procedures; Supply Section Standard
 ing Procedures*

10.04.090 MINORITY AND WOMEN OWNED BUSINESS OPPORTUNITIES

PLAN

I. DEFINITIONS

- A. **MWBE: Minority and Women Owned Business Enterprises.** Firms certified by OMWBE to be minority, women, and/or veteran owned businesses.
- B. **OMWBE:** The Washington State Office of Minority and Women Owned Business Enterprises; the state agency that certifies minority and women owned businesses for the purpose of reporting MWBE utilization.

II. STATEMENT OF COMMITMENT

- A. The WSP is committed to full utilization of certified minority, women, and veteran owned business enterprises that are able to provide goods and services required for our agency's operations. All agency staff shall comply with this regulation and associated Standard Operating
erall annual goals for
n when contracting or purchasing goods and services.

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III. POLICY

A. Purpose

- 1. This policy establishes responsibilities for development and implementation of our agency's MWBE Plan required by RCW Chapter 39.19. The agency plan will consist of the policies contained in this regulation along with specific procedures issued and updated at least annually in an MWBE WSP Fiscal Procedure issued by Budget and Fiscal Services (BFS).

B. Responsibilities for Implementation

- 1. Assistant chiefs/bureau directors will review and approve both this regulation and the MWBE WSP Fiscal Procedure issued by BFS, which will be updated at least annually. The annual update will, as a minimum, include updated fiscal year goals for MWBE participation in agency expenditures by class of contract.
- 2. The BFS Commander will, in collaboration with OMWBE and agency purchasing section managers, develop and issue a WSP Fiscal Procedure which:
 - a. Establishes annual fiscal year MWBE goals in contracting, procurement, and other expenditures by class of contract.
 - b. Details specific measures to be taken by agency staff to ensure maximum participation by MWBE firms.
 - c. Assigns responsibilities for communication and training for MWBE policies and procedures.
 - d. Establishes processes for accountability and reporting.

3. The Property Management Division Commander will assist and participate fully in the annual MWBE goal-setting process, particularly for the classes of contracts and procurements under the direct oversight and control of the Supply, Facilities Management, and Fleet sections.
4. Agency staff responsible for contracting and procurement decisions will ensure they are knowledgeable of and compliant with this regulation and the associated MWBE WSP Fiscal Procedure.

Applies to: All WSP Employees

See Also: RCW 39.19; WAC 326-40-040; *Budget and Fiscal Services WSP Fiscal Procedures*